

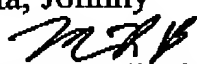


Fitch, Even, Tabin & Flannery
Intellectual Property Law

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MAY 10 2005

F A C S I M I L E

Name: U.S. Patent & Trademark Office
FAX: (703) 872-9306
Application No.: 09/488,614
Filing Date: January 20, 2000
Inventor: GETSIN et al.
Art Unit: 2614
Examiner: Ma, Johnny
From: 
Martin R. Bader
Today's Date: May 10, 2005
Attorney Docket No.: 68623/7236
Pages: 7 (Including this one page coversheet)
Dispatched by: Martin R. Bader

Transmitted herewith for filing via facsimile:

Transmittal Form (1 pg.); Submission of signed Declaration (1 pg.);
Declaration 131 (4 pgs.); Fax coversheet (1 pg.)

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

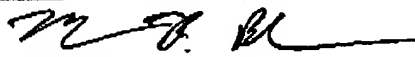
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Transmittal Form <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/488,614	
	Filing Date	01/20/2000	
	First Named Inventor	GETSIN, Evgenly M.	
	Art Unit	2614	
	Examiner Name	Ma, Johnny	
Total Number of Pages in This Submission	7	Attorney Docket Number	68623/7236


ENCLOSURES (CHECK ALL THAT APPLY)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) (4 pgs.) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeals Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Submission of Signed Declaration (1 pg.) Facsimile Coversheet (1 pg.)
Remarks:		
Customer Number: 22242		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm name	Fitch, Even, Tabin & Flannery		
Signature			
Printed Name	Martin R. Bader		
Date	May 10, 2005	Reg No.	54,736

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Martin R. Bader		
Signature		Date	May 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DON NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DOCKET NO. 68623/7236

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Getsin et al.
Appln. No.: 09/488,614
Filed: 1/20/2000
Title: SYSTEM, METHOD AND
ARTICLE OF MANUFACTURE
FOR A SCHEDULER COMPONENT
IN A MULTIMEDIA
SYNCHRONIZATION FRAMEWORK
Examiner: Ma, Johnny
Art Unit: 2614
Customer No.: 22242

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SUBMISSION OF SIGNED DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants' response on April 12, 2005 was submitted with an unexecuted declaration. Applicants submit herewith the declaration signed by Evgenity M. Getsin and Todd R. Collart. Please note the first paragraph of the declaration has been modified to correct a typographical error and to clarify the relationship between the inventors and the assignee.

Respectfully submitted,



Martin R. Bader

Reg. No. 54,736

Dated: May 10, 2005

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
Thomas F. Lebens
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

68623/7236

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Getsin, et al.
Appln. No.:	09/488,614
Filed:	January 20, 2000
Title:	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A SCHEDULER COMPONENT IN A MULTIMEDIA SYNCHRONIZATION FRAMEWORK
Examiner:	Ma, Johnny
Group Art Unit:	2614
Customer No.:	22242
Conf. No.:	4713

DECLARATION PURSUANT TO 37 C.F.R. 1.131 OF
EVGENIY M. GETSIN AND TODD R. COLLART

Hon. Commissioner for Patents

Washington, D.C. 20231

Sir:

We, Todd R. Collart and Evgeniy M. Getsin, declare as follows:

1. We, at the time of the invention, were either an employee of or under contract to assign patent rights to INTERACTUAL TECHNOLOGIES, Inc., the current recorded Assignee of the subject matter of U.S. Patent Application No. 09/488,614.

2. We are the inventors of the invention as variously described and claimed in U.S. Patent Application No. 09/488,614.

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Application No. 09/488,614
37 C.F.R. 1.131 Declaration

3. We declare that the method covered by the pending claims of U.S. Patent Application No. 09/488,614, specifically independent claim 19, was manufactured and tested prior to June 15, 1999. We also declare that at least prior to June 15, 1999, we recognized the inventive aspects of the claimed method for providing a scheduler object and that the claimed method would work for its intended purpose.

4. We note that all dates present on the exhibits attached hereto have been blacked out as pursuant to MPEP 715.07(II); however, we declare that all blacked out dates are dates prior to June 15, 1999.

5. Attached as Exhibit A is a copy of an online article entitled "Editorial: Behind the Scenes of the RONIN Online Event" discussing an online event scheduled by MGM on a date prior to June 15, 1999. The article discusses this online event, where the director of the film "Ronin" will address a selection of questions previously submitted by owners of the "Ronin" DVD during a live session. Additionally, the director will provide his perspective on scenes from the film as users simultaneously experience these scenes from the "Ronin" DVD.

6. We declare that the online event discussed in Exhibit A did in fact occur on a date prior to June 15, 1999, and that the claimed method for providing a scheduler object was utilized at the online event.

7. Attached as Exhibit B is a copy of source code used during the Ronin online event referenced in Exhibit A. The source code shown in Exhibit B implements the claimed method for providing a scheduler object.

8. The claimed method utilized at the online event referenced in Exhibit A and implemented by the source code shown in Exhibit B is the same method that we have invented. Thus, prior to June 15, 1999, we fully appreciated the utility of the claimed method for providing a scheduler object and that it would work for its intended purpose.

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Application No. 09/488,614
37 C.F.R. 1.131 Declaration

9. We have reviewed the pending claims of the present application, and in particular, we have reviewed independent claim 19 in view of the event described above in Exhibit A and the source code shown in Exhibit B. Therefore, we declare that a method for providing a scheduler object meeting the elements of independent claim 19 in U.S. Patent Application No. 09/488,614 physically existed prior to June 15, 1999 and that this method for providing a scheduler object worked for its intended purpose and that the invention was appreciated prior to June 15, 1999.

10. As we are advised we must, we hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.

Date

Evgeniy M. Getsin

5/25/05
Date

Todd R. Collart

Attachments: Exhibits A and B

68623dec.amb.131dec.002

Page 3 of 3
Application No. 09/488,614
37 C.F.R. 1.131 Declaration

9. We have reviewed the pending claims of the present application, and in particular, we have reviewed independent claim 19 in view of the event described above in Exhibit A and the source code shown in Exhibit B. Therefore, we declare that a method for providing a scheduler object meeting the elements of independent claim 19 in U.S. Patent Application No. 09/488,614 physically existed prior to June 15, 1999 and that this method for providing a scheduler object worked for its intended purpose and that the invention was appreciated prior to June 15, 1999.

10. As we are advised we must, we hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.

04/28/05

Date

Evgeniy M. Getsin

Date

Todd R. Collart

Attachments: Exhibits A and B

68623dec.amb,131dec.002